

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

CHERIE WASHBURN,

Plaintiff,

v.

CIVIL ACTION NOS. 1:23-00066

DANA RENICK, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on March 8, 2023, in which he recommended that the court dismiss plaintiff's complaint as to the following: (1) all claims against FPC Alderson; (2) claim of unconstitutional conditions of confinement in violation of the Eighth Amendment; (3) claim concerning the alleged violation of the First Amendment; (4) claim concerning the alleged violations of CARES Act; and (5) claim of discrimination in violation of the Equal Protection Clause. Thereafter, on November 14, 2023, Magistrate Judge Aboulhosn filed a second PF&R in which he recommended that the district court grant defendant Renick's motion to dismiss or, in

the alternative, for summary judgment, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosen's Findings and Recommendations. The failure of any party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to either of the Magistrate Judge's PF&Rs within the required time period. Having reviewed the Findings and Recommendations filed by Magistrate Judge Aboulhosen, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DISMISSES** plaintiff's complaint as to the following: (1) all claims against FPC Alderson; (2) claim of unconstitutional conditions of confinement in violation of the Eighth Amendment; (3) claim concerning the alleged violation of the First Amendment; (4) claim concerning the alleged violations of CARES Act; and (5) claim of discrimination in violation of the Equal Protection Clause. The court also **GRANTS** defendant Renick's motion to dismiss or, in the alternative, for summary judgment,

and directs the Clerk to remove this case from the court's active docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record.

**IT IS SO ORDERED** this 5th day of January, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber  
Senior United States District Judge